

DOCKET NO: 293602US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ORAL AYDIN, ET AL. : EXAMINER: ZHAO, X. S.
SERIAL NO: 10/588,213 :
FILED: AUGUST 2, 2006 : GROUP ART UNIT: 1792
FOR: METHOD AND DEVICE FOR THE :
APPLICATION OF AT LEAST TWO
CHEMICALLY DIFFERENT FLOWING
MEDIA

PETITION TO ENTER AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully petition for entry of the amendment filed January 4, 2010
(Amendment).

BACKGROUND

Applicants filed the Amendment in reply to the Final Rejection. In an Advisory
Action entered July 8, 2009, the Amendment was refused entry.

The Amendment sought to incorporate the subject matter of Claim 13 into sole
independent Claim 12, and cancel Claim 13. This was the only amendment to the claims.
Claims 14-24, the remaining dependent claims, were not amended, although they would now
necessarily each have the limitations of both Claim 12 prior to the Amendment, and Claim
13.

The basis for refusal of entry, as stated in the Advisory Action, is that the amendment raised new issues which would require further consideration and/or search. Particularly, the Advisory Action states that the Amendment “changes the scope of the dependent claims which may require additional consideration and possibly search.”

The Examiner continues in the Advisory Action by responding to Applicants’ arguments for patentability in the Amendment, concluding that none of the claimed subject matter, in effect, is patentable.

In a telephone conversation between the Examiner and undersigned counsel, on February 1, 2010, counsel requested entry of the Amendment on the basis that no significant additional consideration or search would be necessary and that the Examiner had already considered the Amendment on its merits. Counsel continued that instead of requiring Applicants to file an RCE to guarantee entry of the Amendment, with the lost time attendant in such procedure and the inability under present rules to appeal with the filing of the RCE, the Examiner should enter the Amendment, giving Applicants the present option of filing a Notice of Appeal or taking other substantive action. The Examiner, after having indicated discussion with his supervisor, refused to change his position.

ARGUMENT

Applicants’ argument is essentially the same argument made to the Examiner referred to above. The Examiner has, or should have, examined the limitations of all the claims prior to Amendment being filed. That Claims 14-24 would now have the limitations of Claim 13 as well as Claim 12 presents no more than minor additional consideration and would appear to require no additional search other than conventional updating. In addition, the Examiner’s action in this case appears to be inconsistent with the publicly-professed goal of the Office of

Application No. 10/588,213
Petition to Enter Amendment

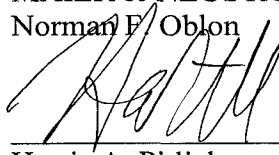
reducing the need for, and numbers of, RCEs, as well as earlier resolution of patentability issues.

Accordingly, Applicants respectfully request that the amendment filed January 4, 2010 be entered.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Harris A. Pitlick

Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)